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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:)
TAKASHI HANAMOTO) : Examiner: Brian Q. Le
Application No.: 09/916,265) : Group Art Unit: 2624
Filed: July 30, 2001) :
For: DATA EDITING APPARATUS)
AND METHOD) :
Patent No.: 7,054,508) :
Issued: March 30, 2006 : July 31, 2006 (Monday)

Mail Stop Patent Ext.
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF
PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(d)

Sir:

Patentee hereby requests under 37 C.F.R. § 1.705(d) reconsideration and recalculation of the patent term adjustment for the above-identified patent. Submitted herewith is a check for \$200.00 for the fee set forth in 37 CFR 1.18(e). Any deficiency in this fee may be charged or any overpayment credited to Deposit Account No. 06-1205.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

July 31, 2006

(Date of Deposit)

John D. Magluyan, Reg. No. 56,867

(Name of Attorney for Applicant)

John D. Magluyan
Signature

July 31, 2006
Date of Signature

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For the following reasons, this patent is believed to be entitled to a patent term adjustment of 580 days.

FACTS

1. A Notice of Allowance was mailed on October 18, 2005, with a patent term adjustment of 628 days at that time.
2. The issue fee payment, together with an Amendment After Allowance under Rule 312, was received on January 23, 2006.
3. An Examiner's Amendment, which amended the claims in the same manner as the 312 Amendment, was mailed on March 13, 2006.
4. Applicant telephoned the Examiner regarding an error in the March 13, 2006 Examiner's Amendment.
5. An updated Examiner's Amendment was mailed on April 12, 2006, and corrected the foregoing error.

ARGUMENTS

It is respectfully submitted that the USPTO incorrectly assessed 80 days (instead of 50 days) of Applicant delay for "01-23-06: Amendment after Notice of Allowance (Rule 312)". In this regard, MPEP 2732 states:

"Submission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the lesser of: (i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper; or (ii) Four months".

In this case, the number of days for reduction is believed to begin on January 23, 2006, which is the date a 312 Amendment was received in the USPTO.

Furthermore, the number of days for reduction is seen to end on March 13, 2006, which is the mailing date of the Examiner's Amendment in response to the 312 Amendment. It is believed that the USPTO may have incorrectly determined the end date as April 12, 2006, which is the mailing date of the updated Examiner's Amendment. However, the March 13, 2006 Examiner's Amendment is seen to correspond more closely with a "notice in response to the amendment under § 1.312 or such other paper".

RELIEF REQUESTED

Accordingly, reconsideration and recalculation of the patent term adjustment are respectfully requested, in which the Applicant-delay period is 50 days (instead of 80 days) for "01-23-06: Amendment after Notice of Allowance (Rule 312)", resulting in a patent term adjustment of 580 days.

Patentee's undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,


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